

17236 U.S. PTO
09/23/03

Attorney's docket 22649

Box Patent Application
Commissioner of Patents and Trademarks
Washington, DC 20231

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EV330900978

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Signature
The Firm of Karl F. Ross, P.C.

NEW APPLICATION TRANSMITTAL

PATENT

Transmitted herewith for filing is the patent application of inventors:

	First Name	Last Name	Residence	Citizenship
1.	Stefan	WINTERSPERGER	Icking, Germany	Germany
2.	Robert	BAIER	Oberschleissheim, Germany	Germany
3.	Gerd	SUTTER	München, Germany	Germany
4.	Marion	OHLMANN	München, Germany	Germany
5.	Volker	ERFLE	München, Germany	Germany

For (title):

VECTOR FOR INTEGRATION OF HETEROLOGOUS SEQUENCES INTO POXVIRAL
GENOMES

1. Type of Application

- ☒ Utility
- ☐ Design
- ☐ Plant

- ☐ Original
- ☐ Divisional
- ☒ Continuation
- ☐ Continuation-in-part

2. Benefit of Prior US Application(s) (35 USC 120) or foreign priority (35 USC 119)

- ☒ The new application being transmitted claims the benefit of a prior US application. See ¶17--20 below.
- ☒ Foreign priority claimed (see ¶9)

3. Papers Enclosed Required For Filing Date Under 37 CFR 1.53(b) (Util.) or 37 CFR 1.153 (Des.)

- ☒ Pages of specification (23)
- ☒ Pages of claims (5)
- ☒ Pages of Abstract (1)
- ☒ Sheets of Drawing (2)
 - ☒ Formal
 - ☐ Informal

4. Additional papers enclosed

- ☐ Preliminary Amendment
- ☐ Information Disclosure Statement
- ☐ PTO-1449
- ☐ Citations (none)
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing," computer-readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino-acid sequence
- ☐ Authorization of Attorney(s) to accept and follow instructions from Representative
- ☒ Other -- PTO Data Entry Form
- ☐ Other

5. Declaration or Oath

- ☒ copy enclosed
original executed by
 - ☒ Inventor(s)
 - ☐ legal representative of inventor(s). 37 CFR 1.42 or 1.43
 - ☐ joint inventor or person showing a proprietary interest on behalf of inventor who refused to sign or could not be reached
 - ☐ this is the petition required by 37 CFR 1.47 and the statement required by 37 CFR 1.47 is also attached
- ☐ Not Enclosed
 - ☐ Application is made by a person authorized under 37 CFR 1.41(c) on behalf of all the above-named inventor(s).
 - ☐ Showing that the filing is authorized.

6. Inventorship Statement

The inventorship for all the claims in this application is:

- ☒ The same
- ☐ Not the same. An explanation, including the ownership of the various claims at the time the last claimed invention was made
 - ☐ is submitted.
 - ☐ will be submitted.

7. Language

- ☒ English
- ☐ non-English
- ☐ the attached translation is a verified translation. 37 CFR 1.52(d).

8. Assignment

- ☒ An assignment of the invention to GSF FORSCHUNGSZENTRUM FÜR UMWELT UND GESUNDHEIT GMBH
 - ☐ is attached with form PTO-1595 and a separate check for \$40.00.
 - ☒ will follow.

9. Certified Copy

Certified copies of applications

Country

DK

PCT

Number

PA199900753

PCT/EP00/04786

Date

28 May 1999

25 May 2000

from which priority is claimed

- ☐ is(are) attached.
☐ will follow.
☒ Was(were) filed earlier. See ¶18 below.

10. Fee calculation

- ☒ **A. Utility application**

CLAIMS AS FILED

	No. Filed	Base No.	No. Extra	Rate	Basic fee
					\$750.00
Total claims	18	20	0	\$18.00	\$0.00
Independent claims	3	3	0	\$86.00	\$0.00
Mult. dep. claims	No	n/a	n/a	\$290.00	\$0.00

- ☐ Amendment canceling extra claims enclosed.
☐ Amendment canceling multiply dependent claims enclosed.
☐ Fee for extra claims is not being paid at this time.
 Filing Fee Calculation **\$750.00**
- ☐ **B. Design application**
 (\$00-37 CFR 1.16(f))
 Filing fee calculation **\$00.00**
- ☐ **C. Plant application**
 (\$490.00-37 CFR 1.16(g))
 Filing fee calculation **\$00.00**

11. Entity StatusApplicant herewith qualifies as a **LARGE** entity.**12. Request for International-Type Search (37 CFR 1.104(d))**

- ☐ Please prepare an international-type search report for this application at the time when national examination on the merits takes place.

13. Fee Payment

- ☐ Not enclosed.
- ☐ No filing fee is to be paid at this time.
- ☒ Enclosed.
- | | |
|---|-----------------|
| <input checked="" type="checkbox"/> basic filing fee | \$750.00 |
| <input type="checkbox"/> petition fee for filing by other than all the inventors or person on behalf of the inventor where inventor refused to sign or could not be reached | \$0.00 |
| <input type="checkbox"/> for processing an application with a specification in a non-English language | \$0.00 |
| <input type="checkbox"/> processing and retention fee | \$0.00 |
| <input type="checkbox"/> fee for international-type search report | \$0.00 |
| Total fees enclosed | \$750.00 |

14. Method of Payment of Fees

- ☐ Check in the amount of \$770.00
- ☐ Charge Account 18-2025 for \$770.00. A duplicate of this form is attached.
- ☒ Charge to credit card (PTO-2038 attached.)

15. Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge the following additional fees by this paper and during the entire pendency of this application to account 18-2025.
- ☒ 37 CFR 1.16(a), (f), or (g) (filing fees)
- ☒ 37 CFR 1.16(b), (c), or (d) (extra claims)
- ☐ 37 CFR 1.16(e) (surcharge for filing the basic filing fee and/or declaration on a date later than the filing date of the application)
- ☒ 37 CFR 1.17 (application processing fees)
- ☐ 37 CFR 1.18 (issue fee at or before mailing of Notice of Allowance pursuant to 37 CFR 1.31(b))

16. Instructions As To Overpayment

- ☐ credit account 18-2025
- ☒ refund

17. Relate Back—35 USC 120

This is a continuation of copending application 09/980029 filed 26 December 2001.

18. Relate Back—35 USC 119 Priority Claim for Prior Application

The prior US application(s) identified above in ¶17 in turn claim(s) the following priority(ies):

Country	Number	Date
Denmark	PA 199900753	28 May 1999
PCT	EP00/00/04786	25 May 2000

The certified copy(ies) has (have)

- ☒ been filed on 00000 and receipt was acknowledged on 23 August 2002 in the above-cited prior application 09/980029.
- ☐ is(are) attached

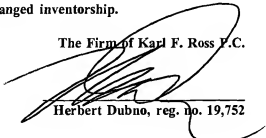
19. Maintenance of Copendency of Prior Application

- ☐ Extension of time in prior application
- ☐ An extension request and fee extend the term in the prior application to .
- ☐ A copy of the extension request for the prior application is attached

20. Further Inventorship Statement Where Benefit of Prior Application(s) Claimed

- ☒ The inventors for this application and for above-cited prior application 09/980029 are the same.
- ☐ This application claims, in addition to inventors named in above-cited prior application 09/980029 the following additional inventors:
n/a
- ☐ The following inventors named in above-cited prior application 09/980029 are not claimed in this application:
n/a
- ☐ Submitted herewith is an explanation detailing the changed inventorship.

The Firm of Karl F. Ross P.C.


 Herbert Dubno, reg. no. 19,752

23 September 2003

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